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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD  
(Special Original Jurisdiction)  
THURSDAY, THE SEVENTEENTH DAY OF JUNE  
TWO THOUSAND AND FOUR  
PRESENT  
**THE HON'BLE MR JUSTICE N.V. RAMANA**  
**WRIT PETITION NO : 9705 of 2004**

Between:

Mohammed Tajuddin, s/o Khaseem, r/o 10-30,  
Banda Linga Pur, Ibrahimpatnam Mandal,  
Karimnagar District.

**..... PETITIONER**

AND

The Regional Passport Officer, Passport Office,  
Secunderabad.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue the writ or orders, more particularly writ of; Mandamus declaring the action of the respondent in not considering the representation of petitioner for correction of date of birth in the pass port and not making the change of date of birth in passport arbitrary, illegal, null and void and apart from letter and spirit of Constitution of India and consequently direct the respondent to correct the date of birth as 07-06-1985 instead of 03-06-1980 in pass and pass such other order or orders in passport of petitioner No.E 4963962 issued on dt.24-06-2003 and correct the name

**For the Petitioner: MR.Mohd. Mumtaz Pasha, Advocate**

**For the Respondent : MRs.A.P.Lakshmi (Addl.SC for CG)**

**The Court at the admission stage made the following Order:**

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**W.P. No. 9705 of 2004**

Heard the learned counsel for the petitioner and the learned Standing Counsel for the Central Government for the respondent-Passport Authority.

It is the case of the petitioner that his actual date of birth is 07-06-1985, but in the Passport issued to him by the respondent, his date of birth is wrongly mentioned as 3-6-1980, and that though he represented to the respondent, to alter his date of birth in the Passport and issue fresh passport, the respondent is refusing to entertain the application on the ground that they have no power to make correction of date of birth in the Passport. The petitioner, therefore, filed the present writ petition praying to direct the respondent to entertain his application for correction of date of birth and issue fresh Passport.

It is required to notice that there is no provision under the Passports Act, 1967, which empowers the Regional Passport Officer to correct entries in the Passport. However, pursuant to the judgment of the High Court of Judicature at Bombay, in W.P.

No. 1072 of 2000, the Government of India issued instructions/clarifications in Circular dated 18-4-2001, which are to the following effect:

- (a) Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, effect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.
- (b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of

Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

- (c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth.

As of today, if any request for correction of date of birth in the Passport is made, the Passport Issuing Authority is required to follow the aforementioned instructions. In that view of the matter, I deem it appropriate to dispose of the writ petition with the following directions:

The respondent is directed to receive the application of the petitioner for correction of date of birth in the Passport/issuance of fresh Passport, and process the same after verifying the genuineness or otherwise thereof basing on the documents the petitioner may file in support of his case for change of date of birth, in the light of the aforementioned guidelines, and pass appropriate orders.

With the above directions, the writ petition is disposed of. No costs.

**Date: June 17, 2004.**

**KSR**

.ASSISTANT REGISTRAR

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SECTION OFFICER

To

1. The Regional Passport Officer, Passport Office,  
Secunderabad.

2. 2CD copies.

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD  
(Special Original Jurisdiction)  
THURSDAY, THE SEVENTEENTH DAY OF JUNE  
TWO THOUSAND AND FOUR  
PRESENT  
**THE HON'BLE MR JUSTICE N.V. RAMANA**  
**WRIT PETITION NO : 9764 of 2004**

Between:

Mohammed Faheem Shareef, S/o.Mohammed Farooq Shareef,  
R/o.H.No.B.24/F.1, Maddannapet, Police Qrts.,  
Hyderabad.

**..... PETITIONER**

AND

Regional passport officer, having office at clock Towers,  
Near prashant Talkies, Secunderabad.

**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction and more particularly one in the nature of writ of Mandamus directing the respondent to issue a new passport on a fresh application with correct date of birth of the petitioner as 25th February, 1978 instead of 20th February, 1974 at an early date.

**For the Petitioner: MR.ABDUL NAJEEB KHAN**

**For the Respondent : Smt.A.P.Lakshmi, (Addl. SC FOR CG)**

**The Court at the admission stage made the following :**

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**ORDER:**

Heard the learned counsel for the petitioner and the learned Standing Counsel for the Central Government for the respondent-Passport Authority.

It is the case of the petitioner that his actual date of birth is 25-2-1978, but in the Passport issued to him by the respondent, his date of birth is wrongly mentioned as 20-2-1974, and that though he represented to the respondent, to alter his date of birth in the Passport and issue fresh passport, the respondent is refusing to entertain the application on the ground that they have no power to make correction of date of birth in the Passport. The petitioner, therefore, filed the present writ petition praying to direct the respondent to entertain his application for correction of date of birth and issue fresh Passport.

It is required to notice that there is no provision under the Passports Act, 1967, which empowers the Regional Passport Officer to correct entries in the Passport. However, pursuant to the judgment of the High Court of Judicature at Bombay, in W.P.

No. 1072 of 2000, the Government of India issued instructions/clarifications in Circular dated 18-4-2001, which are to the following effect:

- (d) Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, effect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.
- (e) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.
- (f) Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth.

As of today, if any request for correction of date of birth in the Passport is made, the Passport Issuing Authority is required to follow the aforementioned instructions. In that view of the matter, I deem it

appropriate to dispose of the writ petition with the following directions:

The respondent is directed to receive the application of the petitioner for correction of date of birth in the Passport/issuance of fresh Passport, and process the same after verifying the genuineness or otherwise thereof basing on the documents the petitioner may file in support of his case for change of date of birth, in the light of the aforementioned guidelines, and pass appropriate orders.

With the above directions, the writ petition is disposed of. No costs.

**Date: June 17, 2004.**

**KSR**

.ASSISTANT REGISTRAR

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SECTION OFFICER

To

1. The Regionall PassPort Officer, I Clock Tower, near Prasanth Talkies,  
Secunderabad, A.P., Hyderabad.
2. 2 CD copies.

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD  
(Special Original Jurisdiction)  
THURSDAY, THE SEVENTEENTH DAY OF JUNE  
TWO THOUSAND AND FOUR  
PRESENT  
**THE HON'BLE MR JUSTICE N.V. RAMANA**  
**WRIT PETITION NO : 9728 of 2004**

Between:

Syed Shakeel Ahmed Razvi Late Syed Mohd Ali Razvi  
aged about 45 years, R/o. H.No.58, A Class Azampura, Hyderabad.

**..... PETITIONER**

AND

- 1 The Secretary Ministry of Home Affairs  
Government of India, New Delhi.
- 2 The Regional Passport Officer, Hyderabad, Near Prasanth Theatre,  
Secunderabad.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order direction or writ particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the action of the respondent in not correcting the date of birth in the passport of the petitioner as illegal arbitrary and unjust and consequently direct the respondent to correct the date of birth of the petitioner in the passport as 1-1-1959 instead of 1-1-1956 and pass such other order or orders in the interest of justice.

**For the Petitioner: MR.B.SHIVA KUMAR , Advocate**

**For the Respondent No.: MR.A.RAJASHEKAR REDDY (SC FOR CG)**

**The Court made the following Order:**

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**W.P. No. 9728 of 2004**

Heard the learned counsel for the petitioner and the learned Standing Counsel for the Central Government for the respondent-Passport Authority.

It is the case of the petitioner that his actual date of birth is 1-1-1959, but in the Passport issued to him by the respondent, his date of birth is wrongly mentioned as 1-1-1956, and that though he represented to the respondent, to alter his date of birth in the Passport and issue fresh passport, the respondent is refusing to entertain the application on the ground that they have no power to make correction of date of birth in the Passport. The petitioner, therefore, filed the present writ petition praying to direct the respondent to entertain his application for correction of date of birth and issue fresh Passport.

It is required to notice that there is no provision under the Passports Act, 1967, which empowers the Regional Passport Officer to correct entries in the Passport. However, pursuant to the judgment of the High Court of Judicature at Bombay, in W.P.

No. 1072 of 2000, the Government of India issued instructions/clarifications in Circular dated 18-4-2001, which are to the following effect:

- (g) Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, effect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.
- (h) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.
- (i) Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth.

As of today, if any request for correction of date of birth in the Passport is made, the Passport Issuing Authority is required to follow the aforementioned instructions. In that view of the matter, I deem it appropriate to dispose of the writ petition with the following directions:

The respondent is directed to receive the application of the petitioner for correction of date of birth in the Passport/issuance of fresh Passport, and process the same after verifying the genuineness or otherwise thereof basing on the documents the petitioner may file in support of his case for change of date of birth, in the light of the aforementioned guidelines, and pass appropriate orders.

With the above directions, the writ petition is disposed of. No costs.

**Date: June 17, 2004.**  
**KSR**

.ASSISTANT REGISTRAR  
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SECTION OFFICER

To

1. The Secretary, Ministry of Home Affairs, Govt.of India, New Delhi.
- 2, Two CCs to the Standing Central Government Standing Counsel, High Court of A.P., Hyderabad.
- 3.2CD copies.